

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN A. FERRARA,

Defendant.

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Case No. 8:04CR501

ORDER

This matter is before the court on the defendant's oral motion to reopen detention. The motion is denied without hearing, and the defendant shall remain committed to the custody of the Attorney General or his designated representative for confinement in accordance with the Court's June 27, 2005 Order (#33).

Considering the proposed placement of the defendant at The Arch, Ferrara's unwillingness to comply with previous conditions of release, and his documented failure to abide by simple conditions and rules, I find that Ferrara is unlikely to abide by conditions of release involving the placement at the Arch, and there is no other condition or combinations of conditions that would reasonably assure Ferrara's presence for future proceedings or the safety of the community in the event he were released upon conditions. Ferrara has been given several opportunities by this court to demonstrate an ability to comply with conditions of release and cooperate with Pretrial Services, and he has failed on each and every one of these opportunities. Additionally, the proposed placement fails to rebut the presumption of detention, 18 U.S.C. § 3142(e).

IT IS ORDERED:

1. Defendant's oral motion for release to The Arch is denied without hearing.

2. In accordance with the court's June 27, 2005 Order (#33), the defendant shall remain in the custody of the Attorney General or his designated representative for confinement at a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on the request of an attorney for the Government, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

Dated this 11th day of July 2005.

BY THE COURT:

S/ F.A. Gossett
United States Magistrate Judge